

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

v.

CRIMINAL NO.
13-10262-DPW

MICHAEL P. O'DONNELL,
Defendant.

ORDER SETTING CRIMINAL JURY TRIAL

WOODLOCK, J.

After an Initial Pretrial/Status Conference held on **January 30, 2014**, it is hereby ORDERED that:

1. This case is set for a jury trial commencing **September 22, 2014** in **Courtroom 1, on the 3rd Floor of the John Joseph Moakley United States Courthouse in Boston at 9:00am** before the Honorable Douglas P. Woodlock. Trial will be conducted on a 9:00am to 1:00pm schedule until deliberations.
2. A further Pretrial Conference shall be held with Judge Woodlock on **September 16, 2014 at 2:30 p.m.** in Courtroom #1 on the 3rd floor.

Unless excused by the Court, each party shall be represented at the Pre-Trial Conference by counsel who will conduct the trial.

3. Prior to the commencement of trial, the parties shall meet with the deputy clerk for a brief training and testing of the electronic evidence presentation system available in the courtroom to be used during trial and evidentiary hearings.
4. The government shall by **9/2/14** disclose to the defendant:
 - (a) The exculpatory information identified in Local Rule 116.2 that has not been previously produced; and
 - (b) A general description(including the approximate date, time and place) of any crime, wrong or act the government proposes to offer pursuant to Fed.R.Evid. 404(b) .

5. Statements (as defined in 18 U.S.C. §3500(e) and Fed.R.Crim.P. 26.2(f)) of witnesses each party intends to call in their case-in-chief shall be produced by 9/2/14.
6. The parties shall by 9/2/14 file as separate submissions proposed voir dire questions, proposed jury instructions, a written stipulation of any facts that they agree are not in dispute, motions in limine, and a trial brief. Responses to any motion in limine shall be filed by 9/16/14 by noon.
7. The government shall no later than 9/15/14:
 - (a) Provide the defendant with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant of the name and address of that prospective witness.
 - (b) Provide the defendant with copies of the exhibits and a premarked list of exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional exhibit in its case-in-chief, the government shall promptly provide the defendant with a copy of the exhibit and a supplemental exhibit list.
8. The defendant shall no later than 9/17/14:
 - (a) Provide the government with the names and addresses of witnesses the defendant intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the defendant shall promptly notify the government of the name and address of that witness.
 - (b) Provide the government with copies of the exhibits and a premarked list of exhibits the defendant intends to offer in its case-in-chief. If the defendant subsequently decides to offer any additional exhibit in its case-in-chief, the defendant shall promptly provide the government with a copy of the exhibit and a supplemental exhibit list.
9. No later than the first day of trial and before impaneling the jury, parties shall electronically file a copy (jointly):

(a) A list of exhibits to be introduced **without objection**, or as to which a party **reserves the right to object** identified by a single sequence of numbers, regardless of which party is the proponent of an exhibit, **in the form attached hereto as Appendix "A"**.

10. Counsel are advised of the Court's "5 minute-rule", which requires that during jury deliberations, counsel may leave the courtroom, but must appear in court within 5 minutes of a call from the deputy clerk, in order to respond to any jury question or for the return of a verdict. Defense counsel are encouraged, but not required, to bring a cellular telephone with them during jury deliberations, should they desire to leave the courtroom to use the library or the cafeteria, or go to some other location within a 5 minute radius.

Immediately upon receipt of this Order, any counsel who realizes that one or more attorneys have not been notified shall forthwith notify the additional attorney(s) in writing as to the entry of this Order, and shall file a copy of the writing with the Clerk.

Dated: 3/12/14

BY THE COURT

/s/ Jarrett Lovett
Deputy Clerk

APPENDIX "A"**USE THIS FORMAT FOR PREPARATION OF EXHIBIT LIST:**

Exhibit Offered By:	Exhibit Number:	Marked [yes/no]	Admitted [yes/no]	Descrip- tion of Exhibit	Offered through Witness:	Date Admitted

SAMPLE EXHIBIT LIST

**Third, Fourth, Sixth and Seventh Columns
and bracketed material to be completed at trial)**

Exhibit Offered By:	Exhibit Number:	Marked [yes/no]	Admitted [yes/no]	Descrip- tion of Exhibit	Offered through Witness:	Date Admitted
Government	1	yes	yes	MGH Hospital Record dated 8/5/98	John Jones	10/10/98
Defendant	2	yes	yes	Boston Police Report dated 8/5/98	Officer John Smith	10/11/98
Government	3A	yes	yes	3x5 photo of victim showing injuries	Government	10/11/98
Government	3B	yes	yes	4x6 photo scene of accident	Government	10/11/98